THE TRIAL OF GOVERNOR HOLDEN

IMPEACHMENT

IMPORTANT REPORT OF THE JU-DIC ARY COMMITTEE,

BALEIGH, N. O., Dec. 14. Upon the call of reports from committees this morning in the House of Representatives, Mr Sparrow, I hairman of the Judiciary Committee, to whom was referred, on the 9th of December inst, the following resolution, namely :

" Res lved, That William W. Holden, Gov ernor of North Carolina, be impeached of high crimes and misdemeanors in office," Have considered the same and submit the

That William W. Holden, Governor of North Carolina, nomindful of his oath of office, did, in July last, organize, arm and equip a military force not recognized by and in subversion of the Constitution of the State of North Carolina; worthy Conservative Commoners. which military force, so unlawfully organized, was not kept under sabordination to, and governed by, the civil power, but was, by the order of the said William W. Holden, Governor as

of, the civil authority. aforesaid, did, in the months of July and August | the position, were ushered into place by last, without lawful warrant and authority, and in defiance and subversion of the Constitution, arrest and imprison many of the peaceable and law-abiding citizens of the State, depriving them of their liberties and privileges, and certain of county. We say that the Standard might said citizens so unlawfully arrested and imprisoned, did cause to be subjected to cruel and unusual punishments.

That the said William W. Helder, Governor as aforesaid, denied to citizens unlawfully restraindefiance of the Constitution, the laws and the process of the Courts, he suspended the privileges of the writ of Habeas Corpus, claiming that he was governed by a supreme law whereby he bining historical facts with statements contained in public documents and the records of the Public Lep rements and the Courts, the undersignlina, be impeached of high crimes and miede-

They therefore recommend to the House the adoption of the accompanying resolution. T. FPARROW,

U. W. BROADFOOT, LEE M. MCAPER, SAM. A. ASHE, JOHN D. STANFORD, GEORGE W. GREGORY, HENRY T. JORDAN, JNO. W. DUNBAM, R. P. WARING, JAMES G. ECOTT, W. P. WELCH, DAVID SETTLE, FRED. N. STRUDWICK, O. M. T MCCAULEY, T. D. JOHNSTON,

high crimes and misdemeanors in office.

Resolv d, That a Committee of two be appointed to go to the Senate and at the Bar thereof, in the name of the House of Representatives and of all the people of the State of North Carolina, to impeach W. W. Holden, Governor of our present leading citizens, refused to of the Sate of North Carolina, of high crimes and misdemeanors in office and acquaint the Senate that the House of Representatives will, in due lime, exhibit particular articles of impeachment against him and make good the same, and that the Committee do demand that the of Ashn has been a synonym, on the Cape Senate take order for the appearance of said W. Fear, for everything that is true, noble, W. Holden, Governor as aforesaid, to answer the

Resorted, That a Committee of seven be appointed to propage and report articles of impeachment against W. W. Holden, Governor as er, Hon. WM. S. Ashe, having represented aforesaid, with power to send for persons and the State in the United States Congress papers and Records, and to take testimony under

The impeachment resolution was called up today by Mr Strudwick. The Radicals opposed its adoption, the most of them making extended tempted to defeat the resolution by filibustering. Motions to lay on the table and to postpone were made in vain. The previous question being

To-morrow a committee will be sent to the Senate asking the arraignment of the Governor, and also one to prepare particular articles of im-

the Governor for preparation.

glad that their Representatives are about found in the fact that Capt. Ashe is one to bring the Governor to trial for his en- of those who are opposed to the State's and Assistants, and 20 cents mileage in ormous crimes in office. His organ here paying Ashley and his family \$4,000 per addition to the whole, was reconsidered. has asked this trial, the Governor himself annum for services that have not only has asked for it, and the people demand proved of no value, but have actually been

ized the House of Representatives in their | We all know that action is in keeping with the position which the members occupy and the grave and responsible duties devolving upon them. Their delay has not been owing to decision of the Senate. Let him be judged to him without reference to the bitter prejudices against the individual or regard for his official position.

Holden and Smith.

The experience of Governor Holden in North Carolina, and of Governor Smith, in Alabama, should teach factious Radical ism a lesson. It is, that when the people speak, they must be obeyed. Holden attempted to override the law in this State and the people rebuked him. Smith attempted to retain the Gubernatorial Chair in Alabama, in violation of the popular vote, and he has been compelled, by legal process, to withdraw his claims. Holden will be impeached and Smith should be indicted for high treason against the Commonwealth of Alabama,

gregate of Democratic gains in the recent election in Illinois amounts to over 41,000. In a few counties there are small Democratic losses and corresponding Radical gains, but the aggregate of these is too small to alter the great significance of the Northwest. Yet the carpet baggers and general fact.

New Hampshire, as specified by an early organ, the Standard, for punishment, to law, were the following: "Twenty four the death, of those who oppose them in years of age, Protestant in religion, not their political schemes. All who are wilvicious in life, but honest and of good ling to exist in the South under the rule conversation, tatable estate at twenty pounds, and taking an oath of allegiance to his majesty." If such qualifications were now required, how many men in New Hampshire would be voters to-day?

The Standard and Captain Ashe,

The Raleigh Standard asserts that "The County of New Hanover is misrepresented in the House of Representatives by one Ashe." The gentleman referred to is, of course, Capt. S. A. Ashe, one of our

The Standard might have gone a lit farther and attempted a comparison between either of the carpet-baggers who aforesaid, made paramount to, and subversive were nominally from this county-Geo. Z. French and L. G. Estes-who, without That the said William W. Holden, Governor as any claims or qualifications whatever to negro votes and on a platform, the most popular plank of which was a malicious hostility to the decent white people of the have attempted this comparison; it could have made none, for there can be no comparison between Captain Ashe and the parties we have named. The attempt to ed of their liberty by his authority, all remedy make it would only have resulted in a con to inquire into the lawfulness thereof, and in | trast that would not prove at all favorable

to the Radical representatives. And now let us see. The editor of th Standard is a political pilgrim from Massa could deny the privileges of the said writ when chusetts, who floated down into North in his opinion the safety of the State required it. | Carolina, in 1865, for the undoubted pur-In view of the matter herein set set forth, com- pose of making or stealing all that he could from either the honest people of the State or from the ignorant negroes, whose ed, members of the Committee, who are a ma. interests he proposed to look after. He jority thereof, are of the opinion that William came here as a preacher, and if his is the W. Holden, Governor of the State of North Caro- standard of religion among the godly puritans of Massachusetts, we thank God that we have none of it. He has long since punishment visited accordingly. thrown aside the clock of religion and has

Captain S. A. Ashe is a young man and, thus far, of as unimpeachable record as any one in the State can show. He was elected to his present position by the votes of the permanent white inhabitants of New Hanover county, - those who own at least nine-tenths of the real es tate in the county and who should, therefore, be able to select an honest man to represent them. He is the worthy descendant of one of the most worthy and Resolved, That William W. Holden, Governor illustrious families in the South, His the name heroic on the Cape Fear, when, in 1766, he and Col. HUGH WADDELL, of Brunswick, each with a Company behind him, many of them the ancestors of some permit a British sloop-of-war to land here a cargo of stamps for the Colonies, under the enforcement act of the British Parliament. From that time to this, the name manly and honest, and those who bore it have repeatedly held offices of high trustthe gift of the people, Capt. ASEE's fathand being, at the time of his death, President of the Wilmington and Weldon Rail-

For more than one hundred years past the Ashe family have resided on the Cape Judiciary. speeches. Discovering their weakness, they at- | Fear, and no one has ever yet cast a stone at them until the advent of this pious bummer from Massachusetts :- a political called, the impeachment resolution was passed fungus of a night's growth that dares to raise its head to the oak of a hundred

We beg Capt. Ashe's pardon for thus Ashley. The truth, and the secret of the members of the General Assembly at \$7 it. The deliberation which has character- detrimental to its welfare and interests.

> "No rogue e'er felt the halter draw With good opinion of the law.

The horrors of war are not all visible on any doubts in regard to the guilt of the the battle field, but must be looked for in Governor, or their duty in the premises, the domestic life of the two countries but from the deliberation due a question engaged in the fight. And not only do of such great importance, The work has the invaded suffer, but the invaders, too, tection of life and property," (Shoffner now been fairly inaugurated, and will be must oftentimes feel the penalties of want bill) was taken up. pushed to the end. The Journal has been and destitution. Thus, the suffering in stout in its efforts to bring Governor Hol- Germany, as well as in France, is reported den to trial. We have expressed our opin- as very great. A German paper states that ion frequently, and firmly in regard to his in the province of Westphalia, at the be- the bill passed its final reading by the folcriminal conduct. He is now about to be ginning of October, there were 11,817 lowing ballot : put upon his trial. We are willing to married women, the wives and widows of abide by the evidence produced and the soldiers, together with 22,713 children obtaining relief from the public funds. In ham, Jones, Latham, Ledbetter, Linney, by his deeds, and let justice be meted out Hanover, 9,624 women and 26,418 children Love. Maudey, McClammy. McCotter, were dependent upon the public for support. In the Rhenish provinces there were 14,312 married women and 29,616 fatherless children who were utterly destitute. Thus, in only three Prussian provinces, there were, last October, 35,753 women and 78 750 children in a condition of misery and want, and it is believed that destitution to the same extent prevails in the other provinces of Prussia. The price of provisions is extraordinarily high. If this be the condition of Germany, what must day be that of France, whose territory has been invaded by an army of more than

> half a million of men. General Amnesty.

It strange that while a number of the

LET a colored man vete the straight declared unequivocally, for an act of gan-Radical ticket and he is politely spoken of eral amnesty by the present Congress that as a "colored citizen." Let him vote with the "traly loyal" in the South are, as yet, the Democrats and he is straightway a bitterly opposed to any forgiveness what- Representatives of this State in Congress ther, that the members shall receive THE Chicago Times states that the ag- rebels. The New York Tribune, acknowledged as the leading Republican organ in

other leading Republican papers in the scalawags in this State refuse to endorse THE quali ications of a legal voter in Mr. Greeley, and still cry out, through their of unsernpulous men, or who are themselves of so little principle as to desire to purchase their own advancement at the price of individual integrity, can easily enough receive a pardon manifesto.

ency, as has the New York Times and

But the opposite attitudes of Northern and Southern Radicals admit of solution by the fact of selfishness and greed of power and office as respectively developed. The old hulk of Radicalism is fast going to pieces amid the overwhelming billows of amendment, and the bill passed its second popular outery and repudiation. We do reading. not pretend to attribute to the Northern Radicals any unselfishness or sense of justice in their action. It has its name in other terms-those of political necessity. To bind together the timbers of the party hulk by auxiliary aid and the demand of power, upon which political life depends. In an opposite direction does the unprincipled greed and aspiration of the horde at by a vote of yeas 81, nays 25. the South manifest itself. Amnesty with for preferment. Intelligence and virtue reading. once restored to their former elevation and removed from the band; all the good and true and honest men of the South mercenary, unjust and unprincipled politi- third reading. calserfdom ended, then good-bye forever to the carpet-bagger's pap, the scalawag's reward for his apostacy, and their official perpetuate their individua greed, the is not made against them, and political Courts in the State; referred.

and supporters are correct in that interpretation of the signs of the times. Too long, as an not of generally recognized justice, of condemnation for the criminal refusal to extend it, its passage now is mooted and favored as a proper measure. Amnesty has up and passed its second reading. become an unmistakable necessity; outraged public sentiment is dictating it, and woe to the party in power if they refuse. It must come-no human opposition can

Legislature of North Carolina.

SENATE. SATURDAY, Dec. 10.

INTRODUCTION OF BILLS. By Mr. Graham: Bill to incorporate the per day, and mileage at 20 cents. Yancevville, Danville and Coalfield Rail

Internal Improvements. referred to the committee on Corporations. of yeas 57, nays 41.

By Mr. McClammy: Bill to amend section 16, title 4, chapter 1 of the Code of Civil Procedure; referred to the committee on the Judiciary. By Mr. Jones: Bill to incorporate the Hebrew Benevolent Society of the City of

By Mr. Marphy: Bill concerning divorce; referred to the committee on the placed on calendar without reference.

By Mr. Adams, resolution of enquiry of Governor Holden, relative to his authority to declare a county in a state of insurrection, as to troops being sent into certain counties, by whose orders, how many, with three years confinement at hard labor laid on the table.

cipal and Assistant Clerks, \$5 for Enrolling and Engrossing Cerks, \$5 for Doorkeeper John Hyman, (col.) called the previous question on the passage of the bill, which

was sustained, and it passed by the following ballot: yeas 21, nays 10. The President designated the Senate Branch of the Committee on Constitutional under the rule, to wit: Reform to consist of Messrs, Cook, La tham, Linney, Moore and Hyman, (col.) Leave of absence was granted to Mr. Graham until Thursday, and to G. W.

Price, (col.) until Tuesday. On motion of Mr. Allen, the rules were entitled "An Act to secure the better pro-

Mr. Moore spoke at some length in opposition to the bill. Mr. Jones called the previous question on its passage, which was sustained, and

YEAS-Messrs. Adams, Albright. Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Gra-Merriman, Murphy, Norment, Robbins, of Rowan, Speed, Troy, Waddell, Warren, Whitesides and Worth-31. NAYS-Messrs. Beasley, Eppes, (col.,) Hyman, (col.) Lassiter, Lehman, Moore

The following resolutions were taken up, as follows: Resolution requesting the Representa-

of Public Lands, was postponed till Tue". | After some discussion the amendment

and Olds-7.

day next, and made a special order for the Resolution proposing to raise a joint committee of 8, composed of 3 on the part of the Senate and 5 on the part of the House, to inquire into the expediency of lutions to-wit ; establishing three courts per year in each county, was adopted.

December to the 11th of January, 1871 -The resolution passed by a vote of 25 to 12 North Carolina Railroad : lies of

supply a deficiency in the Treasury was bly : referred. the country, has declared most positively taken up, [This bill authorizes the Treasfor the extension of Congressional clem- arer to borrow \$180,000 of the dividend declared by the North Carolina Railroad Company] and passed its second reading. On motion of Mr. Troy, the bill to re store to the Western Railroad Company its original chartered priviliges to regulate the plank placed in the party platform by the appointment of State Directors and to define the vote of the State in the general meetings of the Stockholders of said Com-

pany, was taken up. Mr. Troy, in an ab'e and eloquent appeal, urged the immediate passage of

Mr. Graham offered the following proviso to the 1st section, to wit: Provided, That no claim whatever of the State for stock in said Company shall be surrendered until the bonds by whic such stock was obtained shall be returned to the Tressury, which was adopted. Mr. Gilmer offered to amend but withdrew it in order to allow the bill to pass

its second reading, and gave notice of

his intention to renew it on its third read-

Mr. Graham also gave notice of another

HOUSE OF REPRESENTATIVES. SATURDAY, Dec. 10, 1870. By Mr. Joyner, of Johnston: A bill to

epeal section 16, chapter 137, laws of 868-'69; referred. On motion of Mr. Carson, the rules were public sentiment, universal amnesty is suspended and the joint resolution taking upheld as a scheme for the retention of a recess from the 22d of Desember, 1870. to the 10th of January, was taken up.

the resolution passed its second reading paid, and the prosent condition of the building. suspended and the resolution in regard to pital really exists. them is but the death knell of their chances a recess was taken up and put on its third

Mr. Houston moved as amendment that the members and officers of the General the calendar. Assembly do not receive any per diem during the recess. Mr. Carson accepted the once again permitted to hold office; the amendment and the resolution passed its

By Mr. Marler: A bill to releive admindevastavit, who contrary to the act concern. tee on Printing was taken up. existence. These are the motives and these ing the settlement of the estates of deceas.

But selfish or unselfish, tricksters or just ters in Caswell and Alamance counties to fore paid, and had closed a contract by who received a majority of the votes cast sold himself, body and soul, to Holden and politicians, the Northern Radical journals a special Committee who shall have power which the printing would be done cheaper in that part of the 26th District, not into send for persons and papers and admin- than even in ante bellum days. The old cluded in the county of Alamance, on the tute for the bill chartering the Spartanthe Judiciary Committee.

> has this amnesty been deferred, and to mittee to report a bill in regard to the thousand. He (Mr. W.) had resisted this The official returns from that part of mitigate and, if possible, avert the verdict special tax money was taken up and re- contract, because he thought 75 cents per said District, to wit : from Guilford counferred to the Committee on Finance.

evert it; and responsibility and consequent suspended, and the Scuate resolution ask- whereas last year it cost the State \$28,000. his claim against Mr. Smith, who held the of the State of North Carolina, be impeached of great ancestor, Col. John Ashe, first made punishment for its long deference is almost lighting of Honor Town and adopted by the following ballet:

Yeas, 73; nays, 24. By Mr. Martin: Bill to fix the per diem Clerks \$6; Enrolling and Engrossing tracted for (and performed) before the abolition mittee. Clerks, Doorkeepers and Members at \$5 On motion of Mr. Martin, the rules were

Road Co.; referred to the Committee ou suspended and the bill passed it second reading; yeas 59, nays 42. By Mr. Troy: Bill to incorporate the | On motion the rules were suspended and Fayetteville Independent Bucket Company; the bill passed its third reading by a vote

SENATE.

MONDAY, Dec. 12, 1870.

Charlottee; referred to the committee on transmitting a bill to amend the charter of the city of Wilmington. On motion of Mr. McClammy it was created by sec. 2, chap. 103 Revised Code,

> By Mr. Merrimon: Bill to punish offi ours and agents of Railroad Companies for embezzlement and other offences; referred to the Committee on the Judiciary. This bill makes it felony, punishable

years and say to it, "What dost thou what were they payed, if payed, how much, in the Penitentiary, and fine not less than and what money was used, &c., which was one thousand dollars for any President, Treasurer, Director, Officer or Agent of On motion of Mr. Currie the vote by any Railroad Company in this State to The Chief Justice will be sent for immediately coupling his name, in public, with that of which the Senate rejected the bill fixing embezzle, or in any way directly or indiand the trial began after proper time is allowed such a specimen of humanity as is this the per diem and mileage of officers and rectly, to apply the money, bonds or other property of such road to his own use or The people of North Carolina will be Standard's animosity, can probably be for speakers, \$5 for members, \$6 for Prin- benefit or for the use or benefit of timself or any other person, State or corporation. It also makes it a felony, punishable as above, for any such officer or agent to combine, collect or conspire with any other person or persons to embezzle or apply to his own use or benefit, or for the benefit of himself or any other person any money, bonds or other property of any such road. The following resolutions were taken up

WHEREAS, Neither justice, sound polic or the public welfare can be promoted by t's sanction of combinations to defraud the State or the people; and whereas, in the opinion of this General Assembly the people of North Carolina have a settled suspended, and the bill to repeal an act conviction that the enormous appropriations made and squandered by the late Convention and General Assembly in the years 1868, '69 and '70, were conceived in fraud and consummated in corruption, and for that reason there is neither moral, constitutional or legal obligation binding the State to pay them, therefore be it

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to bring in a bill consolidating all the debts due by the State of North Carolina prior to the 1st of January, 1868, not declared void by the Constitution of 1865, acts of Congress, or Proclamations of the President of the United States, the same to be General fund, payable on and after the 4th of July 1900, with Special tax cell interest thereon at 3 per cent per annum, payable semi-annually at the Treasury of North Carolina at Raleigh. North Carolina, in gold.

Mr. Olds moved to amend by striking out the preamble, which was voted down. Mr. Jones moved to amend by striking

out all after the preamble and inserting the following, to wit: "Now, therefore, be it resolved by the Senate of North Carolina, that the Committee on the Repaid under said acts, tives of this State in Congress to use their influence to secure aid for the purpose of creating an educational fund, from the sale

> was adopted and the resolution passed. FROM THE HOUSE. A message was received from the House transmitting the following bills and reso-

Bill to repeal an act in relation to taking fish from the Northeast branch of the Cape Resolution authorizing the General As- Fear river ; referred.

provides for the completion of the Western Resolution in relation to a National system of Public Instruction, requesting the 22d Dec., to Jap. 11th, and provides forever being extended to unrepentant to use their influence to establish such syst per diem during said recess; lies over. tem, was postponed to Wednesday next. Bill fixing per diem and mileage of offi-On motion of Mr. Dargan, the bill to cers and members of the General Assem-

> THIRD READING OF BILLS. Bill to authorize the transfer of certain cases pending in the late Court of Equity

Bill requiring Sheriffs and Coroners to give notice to parties in whose favor they mey have process for collecting money;

Bill to consolidate the North Carolina and the North Western North Carolina Railroad Companies.

Mr. Merrimon moved an amendment including the Western Division of the Western North Carolina Railroad. Pending its consideration the Senate ad

HOUSE OF REPRESENTATIVES Monday, Dec. 12, 1870.

By Mr. Jones of Caldwell. A resolution concerning the University of North Caro-By Mr. Morris: A resolution in regard wit :

o a system of public instruction : referred. ollowing resolutions : WHEREAS, The last Legislature made an ap-

the contruction of a State Marine Respital at tee. Beaufort Harbor, and WHEREAS, Said Hospital is yet unfinished, and not likely to be completed; and WHEREAS, The State owns a beat in said Harbor, known as the Hospital boat, and WERREAS, Sundry sums of money have been

paid out of the state Treasury for the avowed purpose of "keeping" said bcat, Resolved, 1st, Tust the Committee on Finance be instructed to engine into this matter, and was held and thousands of votes were The previous question was called and tion for the construction of sail hospital was no legal election was held in Alamance Resolved, 24, That said committee be instruct-On motion of Mr. Justice, the rules were keep a boat for hospital purposes when no hose by purity of reasoning it would vitiate the Resolved, 3d, That said committee report to

this General Assembly at an early day, by bill or

statement of that portion of the Treasur- In short, no election would be valid wherein er's report which comes under the head of "Contingencies." Placed on calendar.

done away with, and the printing would to certificates of election as Senators from Resolution instructing the Finance Com. be paid for by actual measurement by the said district.

report, passed its second reading :

officers \$7 per day; Principal and Assistant newspaper office shall be paid for work contion shall be in force from the abolition of said

A communication was read from the Attorney General in reference to the rights John A Gilmer now holding a seat in the Senate and Rutherford Railroad under existing part of said District in which the election was lelaws. The communication was sent in gally heid. compliance with a resolution of the House to the above mentioned matter.

document was ordered to be printed. On motion of Mr. Robinson, the rules A message was received from the House (The bill takes away the appointment of Keeper of the Capitol from the Board, and makes the office elective by the Legis- hold his seat as a memoer of the Senate. lature on the 4th Wednes lay of each and

The report of the committee, favorable to the passage of the bill, was read and concurred in, and the bill passed its second reading by a vote of yeas 69, nays

Mr. Nicholson, from the Committee on Privileges and Elections, submitted a report in regard to the Wayne county contested election between Messrs. Copeland, the sitting member, and Peason. | The report recommends that a commissioner General Assembly, for the reason that on of the State which have been issued under the be sent to Goldsboro' to take depositions. | that day there was no civil law in force in said acts, now in the hands of any President of were suspended and the report was concurred in.

suspended and the bill considered. On motion of Mr. Harris, of Franklin, the bill was so amended as to authorize the bill was so amended as to authorize county of Alamance to the total abroga-the appointment of two commissioners in-tion and exclusion of all civil process, and March, 1870.

were suspended and the bill then passed its third reading.

SENATE. TUESDAY, Dec. 13th, 1870. REPORTS OF COMMITTEES. Mr. Love, from a special Committee ap-

pointed to ascertain and report the amount of money at present in the Treasury, submitted the following, to-wit: Special tax cellected in 1869 484,859 69 Paid out on coupons to Jan. 20th, 1870,

Balance, Loaned under chapters 30 and 174, laws 1869-'70, 250,000 00

Special tak now in Tressury not repaid.

26,389 69

Special tax in \$198,562 45 Literary fund in Treasury, Special deposits, 75,567 73 \$531,213 31

which was read and ordered to print most influential of the Northern press have sembly to take recess from and after 22d of | Resolution in reference to an Lot that copies for the use of each Senator.

By Mr. Merrimon : Bill to repeal an act fixing the per diem and mileage of officers and members of the General Assembly, ratified Nov. 26, '69. [This act is to take

effect from the beginning of this sea-On motion the rules were suspended in order to put the bill through its several

readings. Mr. Olds moved to postpone its further consideration until Jan. 11th, and demanded the previous question, which was

After some debate the motion to postpone was voted down and the bill passed its several readings.

SPECIAL ORDER. The report of the Special Committee composed of Messrs. Robbins, of Rowan Speed and Brogden, appointed to ascertain and report the vote of the 26th Senatorial District, composed of the counties of Alamance and Guilford, and what action be necessary in reference to seating the Sepators from said District.

The Committee met, but failed to unite upon a majority report, consequently each presented his own report. Mr. Robbins, of Rowan, Chairman of

the Committee, presented the following report, accompanied with a resolution, to

The undersigned, member and Chair-Mr. Martin, of Carteret, introduced the man of the Special Committee on the election in the 26th Senatorial District feels compelled to dissent from the views propriation of two thousand dollars (\$2,000) for of the other two members of the Commit-The Senate has declared the election in

Alamance invalid. The vote of that county is therefore illegal, and must be thrown out. But Alamance is only a part of the 26th District; and it is admitted that in the other and larger part of said District, to wit : Guilford county, a valid election ascertain, if possible, to whom the appropria legally polled for Senators. The fact that cannot affect the validity of the election in ed to enquire whether or not it is expedient to the District as a whole. If it could, then State election for Attorney General and also the election for a member of Congress in the Fifth District; and the same prin-The resolutions were read and placed on ciple would lead us to the conclusion that even a Presidential election might be in-By Mr. Strudwick-A resolution re-validated by a failure of any one State to quiring the Auditor to furnish an itemized vote, or by its voting in an illegal manner. votes were east which were afterwards, for any cause, thrown out as illegal. This On motion of Mr. Waring the rule was latter doctrine might be true in the case istrators and executors of the guilt of a suspended and the report of the Commit- of an election by a legislative body where a certain number is necessary to a quorum, The report states that a contract has and where, by throwing out votes cast in the principles of opposition to amnesty ed persons, laws of 1868 '69, have bona fide been entered into with James H. Moore, an illegal manner, the valid vote remainamong the Radicals of the South. But let administered according to the law as it was of the Sentine office, of Raleigh, on a basis ing might be less than a quorum, when, of them take care that while they endeavor to before the passage of the aforesaid act; of 75 cents per thousand for plain work. course, their entire action would be a Mr. Waring stated that the Committee nullity. But this can never be so in a By Mr. Ashe: A bill to provide another had advised with the leading printing es- popular election, where no particular numcharge of disloyalty to their national party mode of taking depositions in the several tablishments of the city, upon the proper ber of votes is necessary to a choice, but prices to be paid for the different kinds simply a majority, or even plurality, of the ernment of the Insane Asylum (Board of Resolution referring that portion of the and styles of work, and had likewise most legal votes cast. The undersigned is there- Directors to be elected by the General As-Governor's message which alludes to mat- carefully examined into the prices hereto- fore clearly of the opinion that the persons sembly); referred. ister oaths, was taken up and referred to way of counting by book measure was first Thursday in August last, were entitled burg and Rutherford Railroad. The re-

thousand too little, when paid by actual ty show that John A. Gilmer received 1848 Resolution concerning internal revenue measure; he was in favor of 90 cents per votes; J. A. Moore 1771 votes: William A. on tobacco and distilled spirits was taken thousand. He thought the contract too Smith 1710 votes; G. William Welker 1661 Resolution instructing the Judiciary printers; he wished labor to be fairly com- to which we admitted him upon his certi- duced by Mr. Ashe.) relief of Sheriffs was taken up and laid on economical in their printing orders, the seat which he now holds. Mr. Moore ing amendment offered by Mr. Phillips to On motion of Mr. Waring the rules were timate, not exceed \$8,000 per annum, he taken the legal steps necessary to assert cussed: After some little debate the report of the certificate of election; but by failing to do

the seat of Mr. Smith vacant. Resolved, That no printing of the State by The resolution herewith presented em- Assembly of North Carolina do enact, That any other than the party who has contracted to body the foregoing views, and are offered William Sloan and others claiming to act and mileage of members and officers of the do the public printing shall be paid for out of by way of substitute for those brought for Messrs. Ashe and F ward by the other members of the Com-

WHEREAS, By the official returns duly authenticated, which have been procured and laid before this body, it appears, that at the regular election for Senators held in the 26th Senatorial District on the first Thursday in August 1870 .of the State in the Wilmington, Charlotte received the highest number of votes cast in that

WHEREAS, Wm A. Smith, to whom a certificate was given, upon which he now holds a seat in the asking the opinion of that officer in regard Senate, did not receive the next highest number line 3, after the word " aforesaid, " down The of votes cast in that part of said District in to the word "right," in line 5, same secwhich the election was legally held, and was not tion, was accepted by the Chairman of the therefore duly elected: and Whereas, J. A. Judiciary Committee, and adopted by the were suspended and the bill in reference W. A. Smith, of the votes cast in that part of to the Keeper of the Capitol was taken up. said District in which the election was legally readings in the following shape: he'd, has waived his right to a seat in this body by failing to contest for the same according to law. Therefore Resolved, That John A. Gilmer is entitled

Resolved, That the seat held by William A. Smith, as Senator from the 26th District is hereby ary, 1869," the Public Treesurer of the State

Mr. Speed presented the following re- millions of dollars to the capital stock of port and resolutions, to-wit: The undersigned, one of the special committee of the Senate, to which was re- is further provided in said act, that by virtue of ferred the election in the 26th Senatorial On motion of Mr. Robinson the rules District, with instructions to report a reso-were suspended and the bill passed its lution for the action of the Senate respect-lution for the action of the Senate respect-Directors of said Company; and whereas, by an was no legal and valid election in said 26th at the Session of 1868 and 1869, making Senatorial District, on the day appointed priations to railroad companies, ratified the 8th by law to wit, on the 4th day of August, 1870, for the election of two Senators to passed at the last Session of this Legislature represent the said 26th District in this and the same are hereby repealed, that all bonds On motion of Mr. Nicholson the rules a large portion of said Senatorial District under which a valid election could be held, the Governor of the State having proclaimed Alamance, one of the counties claimed Alamance, one of the counties of the proper construction and the counties of the proper construction and the counties of the counties of the proper construction and the counties of the counties of the proper construction and the counties of the counties of the proper construction and the counties of the counties of the proper construction and the counties of the co pointing a commissioner to proceed to composing the said 26th Senatorial Dis-Goldsboro, and take evidence in the mat-trict, in a state of insurrection, and havon motion of the same the rules were controlled, and there on the 4th day of prectors, by virtue of the provisions of the act of the General Assembly, ratified the 29th day August, 1870, did hold and occupy in undisputed military control the aforesaid came void and ceased to exist immediately approximately approxi stead of one. The bill then passed its the Constitution and Bill of Rights, de-third reading. free," and it being against the spirit and as aforesaid, it shall be the genius of free institutions that any por-tion of the people be subject to laws enacted or coerced to the payment of taxes immediately to levied "without the consent of themselves money chose or their Representatives in General Assem- of every bly free given," I recommend the passage their

of the following resolutions: Resolved, That John A. Gilmer and William A. Smith, sitting members of this Senate for the 26th Senatorial District, were not legally constitutionally elected to this General bly by the free and unrestrained elaction District.

Resolved, That the rease in this 26th Senatorial District be senate for the hereby declared vacant. Reschied, That the coy requested to issue aig ? raor be and is hereby election in the 26th ' roclamation ordering an \$276,389 69 members to fill the senatorial District for two seats for said Districts de-Mr. Bro

den presented a report of considerabl secio slength; the following is the last n of said report and the accompany-172,172 76 & resolution, to wit: The undersigned entertains the opinion . 24 that John A. Gilmer and William A.

Smith were duly elected to the State Sen-276,389 69 ate in the 26th Senatorial District, on the 4th day of August, 1870, and are therefore entitled to hold their seats in the Senate for the term of two years from the 4th day of August last. Resolved, That Jno. A. Gilmer and William A. Smith, having been duly elected to the Senate by

the legal and qualified voters of the 26th Sena-torial District, at the regular election held according to law in every Township in said Dis-trict, on the 4th day of August, 1870, are there-fore entitled to hold their seats in the Senate as Senators from the 26th District.

Mr. Speed's resolution was offered as substitute for that of Mr. Robbins of Rowan, and

Mr. Brogden's resolution was offered as substitute for the whole. The merits of the several resolution vere discussed at much length; finally the

previous question was called and sostain

Mr. Brogden's resolution was rejected by the following ballot, to wit: YEAS-Mesers. Beasley, Bellamy, Brogden, Eppes, colored, Flythe, Hawkins, King, Lehman, Love, Mauney, McCotter, Norment and

NAYS—Mesers. Adams, Albright, Cook, Crow-ell, Currie, Dargan, Jones, Latham, Linney, Mo-Clammy, Merrimon, Moore, Morehead, Murphy, Robbins, of Davidson, Robbins, of Bowan, Skin-ner, Speed, Troy, Waddell, Warrea, Whitesides and Worth—25.

After the announcement of the vote Mr. Janney stated that he voted under a misapprehension and desired to have his vote recorded in the negative.

The President ruled that it was out of order since the vote had been announced Mr. Speed's substitute was voted down y the following ballot:

YEAS.—Messrs Beasley, Bellsmy, Cook, Cowles, Eppes, colored, Flemming, Flythe, Bawkins, King, McCotter, Moore, Norment, Olds and NAVE.—Messre. Adams, Albright, Brogden, Currie, Dargan, Jones, Latham, Lebman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins, of Davidson, Bobbins, of Bowan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—23, and the resolution

of Mr. Robbins passed by the following ballot Axes-Mesers. Adams, Albright, Orowell, Ourrie, Dargan, Jones, Latham, Linney, Manney, McClammy, Merrimon, Morehead, Murphy, Robbins, of Davidson, Robbins, of Rowan, Skinner Troy, Waddell, Warren, Whitesides and Worth

NATS Messrs. Beasley, Bellamy, Brogden, Cook, Cowies, Eppes, colored, Flythe, Hawkins, King, Lehman, Love, McOotter, Moore, Nor-

ment, Olds and Speed-16. On motion the Senate adjourned.

HOUSE OF REPRESENTATIVES. Tuesday, Dec. 13, 1870.

Dadley, colored, presented a memorial rom certain citizens of Newbern : refer-Mr. French presented a memorial from certain citizens of the town of Lumberton:

referred By Mr. York : A resolution to commence holding night sessions; placed on cal-By Mr. Johns : A resolution concerning

immigration; placed on the calendar. By Mr. Harris, of Guilford : A bill to pay the State debt; referred. By Mr. Stanford; A bill to lay off and establish a new county to be called "Pam-

lico," (out of portions of Beaufort and Craven) ; referred. By Mr. Johnston, of Buncombe : A bill punish bribery and corruption; placed on calendar. By Mr. Jordan : A bill to amend the act

By the same : A bill for the better gov-Mr. Welch, from the Committee on Internal Improvements, reported a substi-

to define and punish bribery ; referred.

port was placed on the calendar. SPECIAL ORDER. Bill declaratory of the meaning of the act entitled "An Act to repeal certain Acta

passed at the session of 1868 and 1869. thousand. He thought the contract too Smith 1710 votes; G. William Welker 1661 making appropriations to railroad compacheap, as it ground down the wages of votes. Mr. Gilmer is entitled to the seat nies; ratified 8th of March, 1870, (intro-Committee to prepare a general bill for the pensated. If the House would be at all ficate. Mr. Smith is not entitled to the The question recurred upon the follow-

public printing would at an enormous es- would have been entitled to that seat, had substitute when the matter was last dis-Strike out the 1st section after the word "enact," and all in section 2nd to and inbilities of Hon. Z. B. Vance was taken up Committee was concurred in and the fol- this, he has waived his right to the seat, cluding the word "of" (before the words lowing resolution, which accompanied the and the Senate ought therefore to declare "William Sloan" in line 6, so that the bill will read, "Now, therefore, the General

Messrs. Ashe and French argued in opposition to the amendment.

Mr. Phillips in remarks of length advocated his amendment. After a long debate, Mr. Ashe called the previous question. The call was sustained, and Mr. Phillips'

amendment was voted down; year 33 An amendment of which Mr. Welch gave notice, striking out, in the second section,

House. The bill then passed its several

WHEREAS, By an act of the General Assembly. entitled "An act to amend the Charter of the Wilmington, Charlotte and Rutherford Railroad Company, to provide for the completion of said road, and to secure to the State a representation in said Company, ratified the 29th day of Jaco ary, 1869," the Public Areastre, the State, four directed to subscribe in behalf of the State, four road, and provision is made in said act for the issue of Bonds of the State for the payment o such subscription on the part of the State, and it such subscription on the part of the State and act entitled "An Act to repeal certain acts pas day of March, 1870," it is declared "That all acts making appropriations to railroad compa

having so ceased duty of Wm. Bloam .6 as Directors, by virtue from the Governor, and diataly to account with, and transfer all books and papers, ery in action, and property and effects escription of said Company now in ands, to the President and Directors dby the stockholders at their last regular and british the city of Wilmington. en the twentieth (20th) day of October, 1870. Sec. 3. Be it further enacted, That a refusa or failure to account or to transfer the books and property of the Company, as directed by the preceding section, shall be deemed a misde-

meanor, and the offenders, upon conviction in any Superior Court of the State, shall be fined d the same are or imprisoned, or both, at the discretion of the Sec. 4. That nothing in this Act contained shall be construed to affect any other right or

interest the State may have in the said Company or any claim against the same.

Provided, That this Act shall not prevent the General Assembly of North Carolina from here-after providing for the representation of the interests whatever they may be of the State in this corporation; and that no sale or other disposition of her interests shall be valid without the consent of the General Assembly of North Caro-

Sec. 5. That this Act shall be in force from and after its ratification. Mr. Welch, from the Committee on Internal Improvements, reported on the bill to amend the charter of the Western Division of the Western N. C. R. R. Mr. Bryson offered an additional section

to the bill and the whole matter was ordered to be printed. On motion of Mr. Darden the rules were

suspended and the resolution in regard to having night sessions was taken up. Mr. Justice moved to postpone the reso